



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

February 28, 2012

James H. Lecky
Director, Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910-3225

Re: EPA Comments on the Draft Environmental Impact Statement for the Effects of Oil and Gas Activities in the Arctic Ocean, EPA Project #10-012-NOA.

Dear Mr. Lecky:

We have reviewed the National Marine Fisheries Service Effects of Oil and Gas Activities in the Arctic Ocean Draft Environmental Impact Statement (EIS) (CEQ No. 20110436) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we assign a rating to the draft EIS based on the environmental impacts of the proposed action and the document's adequacy in meeting NEPA requirements.

The draft EIS evaluates the potential impacts associated various scenarios and levels of exploration activities in the Arctic Ocean, as well as potential impacts from a very large oil spill. In general we believe the draft EIS contains a thorough analysis of possible activities that will provide useful for project-specific analyses into the future. We also commend the National Marine Fisheries Service for voluntarily undertaking the analysis of a very large spill event.

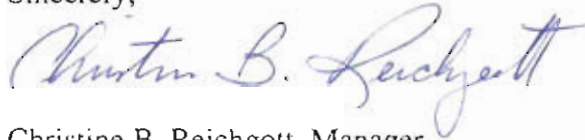
Because of the quality and programmatic nature of the analysis, as well as the anticipated levels of impacts, we have assigned a rating of EC-1 (Environmental Concerns-Adequate Information) to the draft EIS. A copy of the EPA's rating system criteria used in conducting our environmental review is enclosed. Our rating and our comments will be posted on the EPA Office of Federal Activities website at <http://www.epa.gov/compliance/nepa/eisdata.html>. Our concerns primarily involve the potentially moderate impacts to beluga and bowhead whales under the various action alternatives, as well as the potential for impacts to numerous resources should a very large oil spill event occur. We recognize, however, that the EIS identifies appropriate mitigation to address impacts to the extent possible, and therefore we do not have any additional mitigation suggestions to offer at this time.

We do suggest that the final EIS consider new information regarding the EPA Region 10's Beaufort (AKG-28-2100) and Chukchi (AKG-28-8100) General Permits. Although not final, we are in the process of soliciting public comment on the fact sheets and draft permits and this information may be useful depending on the timing of the issuance of the final EIS. Links to the fact sheets, draft permits, and other related documents can be found at:

<http://yosemite.epa.gov/r10/water.nsf/npdes+public+notices/arctic-gp-pn-2012>.

Thank you for the opportunity to review and provide written comments on this draft EIS. If you have any questions regarding this letter, please contact me at (206)553-1601, or by electronic mail at reichgott.christine@epa.gov, or you may contact Jennifer Curtis of my staff in Alaska at (907)271-6324 or by electronic mail at curtis.jennifer@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Christine B. Reichgott". The signature is fluid and cursive, with the first name "Christine" and last name "Reichgott" clearly legible.

Christine B. Reichgott, Manager
Environmental Review and Sediments Management Unit

Cc: Candace Nachman, NMFS

Enclosure

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.